IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 26903 of 2003(C)

PETITIONER:

CHELLASWAMI, S/O.TONY MUTHU,
AGED 40 YEARS, PALAVILAVEEDU, KUZHUTHURAI,
VILAVANCODE VILLAGE, VILAVANCODE TALUK,
KANAYAKUMARI DISTRICT.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL
SRI.T.A.PRASANTH

RESPONDENTS:

1. **THE DIRECTOR GENERAL OF POLICE,**
   POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

2. **THE DEPUTY SUPERINTENDENT OF POLICE,**
   OFFICE OF DEPUTY SUPERINTENDENT OF POLICE,
   NEYYATTINKARA.

3. **THE CIRCLE INSPECTOR OF POLICE,**
   OFFICE OF CIRCLE INSPECTOR OF POLICE,
   PARASSALA.

4. **THE SUB INSPECTOR OF POLICE,**
   PARASSALA POLICE STATION.

5. **MURALEEDHARAN S/O. VELUKUTTY PANICKER,**
   AGED 43 YEARS, MANCHAMKUZHY PUTHENVEEDU,
   NADOORKOLLA, AMARAVILA P.O.

6. **BENNET S/O. VISWAMBHARAM, AGED 35 YEARS,**
   DRIVER, KOOLLAPPULI MUPATHIYAMKULAM VEEDU,
   KALIYILKKAVILA, KULAPPURAM, VILAVANCODE TALUK,
   KANYAKUMARI DISTRICT, TAMIL NADU.

7. **WILSON S/O. CHERIYA PILLAI,**
   PALAVILA, KUZHUTHURAI.

BY PUBLIC PROSECUTOR SRI.SHYSON P.MANGUZHA for R1 to R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.26903/2003 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF APPLICATION FOR COMPENSATION DTD. 24/04/2001 IN O.P.(MV) NO.500/2001 FILED BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, NEYYATTINKARA BY THE 5TH RESPONDENT.**

EXT.P2: **COPY OF F.I.R.NO.449/99 DTD. 29/12/99 OF PARASSALA POLICE STATION.**

EXT.P3: **COPY OF FINAL REPORT IN C.C.NO.729/2000 BEFORE JFMC-II, NEYYATTINKARA DTD. 3/06/2000.**

EXT.P4: **COPY OF REPRESENTATION DTD. 14/12/2001 SUBMITTED BY PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT.P5: **COPY OF POSTAL RECEIPT DTD. 14/12/2001 REGARDING THE SENDING OF EXHIBIT P4.**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 26903 of 2003

Dated this the 27th day of July , 2007

JUDGMENT

The grievance of the petitioner, who is one of the respondents in a claim petition before the Motor Accidents Claims Tribunal, Neyyattinkara, is that on the basis of a bogus complaint, Crime No.449/99 of the Parassala Police station has been registered and that the Parassala police have submitted a final report which has been taken on file as C.C.729/2000. According to Sri.R.T.Pradeep the learned counsel for the petitioner, the C.C. is now consigned to L.P.Register since the accused who is a fictitious person could not be apprehended so far. One of the prayers in the writ petition is to direct respondents 1 to 4 to conduct reinvestigation into crime No.449/99 so that the real culprit involved in the accident could be brought to court and the petitioner, who claims to be totally

innocent in the matter, could be absolved of his liability under the claim before the MACT.

2. Though notice was ordered to the respondents on this writ petition as far back as in 2003, it is seen that the petitioner has not been able to complete service on all the respondents. On a previous occasion when this case came up for consideration on the basis of submissions made, the case was ordered to be posted when moved again. Even now service is not complete. Even though the counsel for the petitioner would request for ordering reinvestigation into the crime presently pending as C.C. No. 729/2000 before the Magistrate court, I am not inclined to grant the above relief. I decline the relief sought for in the writ petition. However, I permit the petitioner to move the learned Magistrate with appropriate application alerting the learned Magistrate by the grounds raised in the writ petition and seeking orders under Section 173 (8) of the Cr.P.C. If the learned Magistrate receives any such application from the petitioner within one month of the petitioner receiving a copy of this judgment, the learned Magistrate will dispose of that application after hearing the State, the petitioner and anybody

else who also according to the learned Magistrate ought to be heard in the matter.

PIUS C. KURIAKOSE,

JUDGE.

dpk